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P. H. Fri  
1886  
in  
Haw. St

## MUNICIPALITY OF ALDBOROUGH.

### Extract from By-law No. 344.

It shall be the duty of every pound-keeper to provide a sufficient yard for the safe keeping of all animals delivered into his charge.

The owner of any animal impounded at any time shall be entitled to the animal on demand without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages, and poundage fees, that may be established against him. But the person distraining and impounding the animal shall at the time of such impounding deposit poundage fees, if such are demanded, and within 24 hours thereafter deliver to the pound-keeper, duplicate statements, in writing of his demands against the owner for damage, ( if any ) not exceeding twenty dollars (\$20.00) done by such animal exclusive of such poundage fees, and shall also give his written agreement, with security, if required by the poundkeeper, in the following form, or words to the same effect.

† I, \_\_\_\_\_ do  
hereby agree that \_\_\_\_\_ will pay the owner of the \_\_\_\_\_ Describe the  
animal.

by me this day impounded, all costs to which the said owner may be put in case the distress made by \_\_\_\_\_ proves to be illegal, or in case the claim for damage now put in by \_\_\_\_\_ the said

fails to be established.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

† Or "We" as the case may be.

In case an animal is impounded, notices for the sale thereof shall be given by the Poundkeeper or person who impounded the animal within fortyeight hours afterwards, but no swine or pig shall be sold till after four clear days, nor any horse, or other cattle till after eight clear days from the time of impounding the same.

The notices of sale may be written or printed, and shall be affixed and continued for three clear successive days, in three public places in the Municipality, and shall specify the time and place at which the animal shall be sold, if not sooner replevied or redeemed by the owner, or some one in his behalf, paying the penalty (if any) claimed for damage decided to have been committed by the animal to the property of the person who made the distraint, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers, (if any) and the expenses of the animals keeping.

Every Pound-keeper, and every person who impounds, or confines, or causes to be impounded or confined, any animal in the common pound, or in any open or close pound, or in any enclosed place, shall duly furnish the animal with good and sufficient food, water and shelter. during the time that such animal continues impounded or confined.

Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises.

The value or allowance as aforesaid may be recovered with costs by summary proceedings before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the Municipality may be recovered, and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering as far as possible to the tariff of pound-keeper's fees and charges established by the by-laws of the Municipality.

The Pound-keeper, or person so entitled to proceed, may instead of such summary proceedings, enforce remuneration to which he may be entitled in manner hereinafter mentioned ; i.e., in case it is by affidavit proved before one of the Justices aforesaid, to his satisfaction that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him, does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Pound-keeper who impounded the animal may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices. And after deducting the penalty, and damage (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance, so supplied as aforesaid, and the expense of driving or conveying and impounding or confining the animal, and of the sale, and attending the same, or incidental thereto, and of the damages when legally claimed (not exceeding twenty dollars) to be ascertained as aforesaid done by the animal to the property whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Pound-keeper shall pay the surplus to the treasurer of, and for the use of the Municipality.

If the owner, within forty-eight hours after the delivery of such statements, as provided in the eighth section, disputes the amount of damages so claimed, the amount shall be decided by the majority of three fence-viewers of the Municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the Pound-keeper.

Such fence-viewers or any two of them shall within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one, according to the statutes or by-laws in that behalf at the time of the trespass ; and if it was a lawful fence, then they shall appraise

the damages committed, and within twenty-four hours after having made the view, shall deliver to the Pound-keeper a written statement signed by at least two of them of their appraisalment, and of their lawful fees and charges.

If the Fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands together with a statement of their lawful fees to the Poundkeeper who shall upon payment of all lawful fees and charges, deliver such animal to the owner, if claimed before the sale thereof; but if not claimed, or if such fees and charges are not paid, the Poundkeeper, after due notice, as required by the Act, shall sell the animal in the manner before-mentioned at the time and place appointed in the notices.

In case any Pound-keeper, or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide, and supply the animal with good and sufficient food, water, and shelter as aforesaid, shall for every day during which he so refuses or neglects, forfeit a sum not less than \$1 nor more than \$4.

Any Fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of \$2, to be recovered for the use of the Municipality, by summary proceedings before a Justice of the Peace, upon complaint of the party aggrieved, or the Treasurer of the Municipality.

The following Fees, and no more, shall be charged by the Pound-keepers within the said Municipality of Aldborough.

FOR EVERY STALLION OR BULL IMPOUNDED AND RELEASED.	\$1.50.
" " HORSE, ASS OR MULE. "	\$1.00.
" " RAM OR BOAR. "	50.
" " CATTLE OVER 3 YRS. OLD. "	\$1.00.
" " CATTLE UNDER 3 YRS. OLD. "	50.
" " SHEEP, EACH. "	50.
" " SWINE, EACH. "	50.
FOR FEEDING (Per 24 Hours.) STALLIONS. . . . .	50.
" " " HORSES AND BULLS . . . . .	37½
" " " BOARS over 1 yr., and CATTLE over 3 yrs. . . . .	25.
" " " RAMS, over 1 yr. old . . . . .	20.
" " " CATTLE under 3 years old, and SWINE . . . . .	15.
" " " SHEEP . . . . .	10.
FOR ADVERTISING any number of Sheep, Swine, or other animals impounded at one time . . . . .	25.
" SELLING . . . . .	50.